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HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, March 25, 1991
7:30PM

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:38PM and opened with the Pledge of Allegiance.

Also present were: Betty J. Kelly, Vice-Chairperson
Kenneth B. Bennington, Supervisor
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Maria Gerhart, Recording Secretary

Chairman Bennett announced the Board of Supervisors, the Planning Commission, Township Engineer, and Building Inspector/Zoning Officer, met in Executive Session prior to this meeting to discuss pending litigation and personnel matters.

Chairman Bennett called attention to the fine art work on display in the rear of the meeting room. Art work by students in grades 1 through 12 in the Penridge School District were represented.

A. APPROVAL OF MINUTES:

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to approve the minutes of the March 11, 1991 Board of Supervisor's meeting as written.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett advised current billing for this period totalled \$24,228.84. Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to pay all bills when due.

C. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY: None.

D. CONFIRMED APPOINTMENTS:

1. Father Black, St. Philip's Church - Father Black thanked the Board of Supervisors for welcoming him back this evening and for continuing their discussion of the last meeting. Father Black is asking the Board's approval for connection to public sewer by laterals for the two proposed lots on the undeveloped portion of the St. Philip's Church property.

Chairman Bennett stated he has visited the site personally and has observed that the sewer line, while it does not run down the center of Clearview Road, it does run the full length

of the St. Philip's Church property. It is approximately 10 feet onto Vacuum Furnace's property. There are a total of three manholes on that property. Chairman Bennett also observed that there is a lateral from the second manhole, which would be available to service the church.

Since the last Board of Supervisor's meeting, Supervisor Bennington did some investigative work and found that on July 11, 1983, Ordinance #83-18 was passed granting an Act 537 by the Board of Supervisors for Calvary Church located on Cherry Road and Clearview Road. Therefore, Supervisor Bennington stated there is a precedent for the connection to public sewer. St. Philip's Church is also 150 ft. from the sewer line, which means it is a mandatory connection to that sewer line. Supervisor Bennington asked the Township Engineer and the Township Solicitor what impact the approval of St. Philip's Church connection to public sewer will have on the recently approved Comprehensive Plan. Solicitor Grabowski and Mr. Wynn both replied they did not believe there would be any impact.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the lateral connection of public sewer to the St. Philip's Church properties located on Clearview Road, subject to any improvements which may be mandated by DER.

Mr. Wynn advised in the Subdivision procedure, which St. Philip's Church should be following, it will be necessary for the applicant to seek waiver of the Planning Modules from DER, or in the absence of the Planning Modules, approval by the Township.

2. Mr. Del Muse, Frederick's Flowers - Mr. Muse had requested a building permit from Mr. Applegate, Building Inspector/Zoning Officer, to construct a lean-to greenhouse and was told by Mr. Applegate that he would be required to complete a Land Development plan. Mr. Muse advised the structure he proposes is nothing more than a simple lean-to. Rather than construct a temporary structure with two-by-fours and plastic, Mr. Muse felt a permanent structure, more residual to the elements, would be in order. Mr. Muse presented sketch plans for the Board's review. Proposed is a 20 ft. wide, by 57 ft. long structure cover constructed of rigid plastic/fiberglass. The structure would include a slanted roof, with a portion of it open to the elements. Heat and electricity are not proposed in the structure. Mr. Muse did not feel a Land Development plan would be needed and is requesting a waiver of this requirement from the Board of Supervisors.

Chairman Bennett asked how this proposal will look from Rt. 113. Mr. Muse presented a sketch of the proposed structure in relation to Rt. 113, showing the five greenhouses presently located on the site.

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Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to waive submission of a Land Development plan for Frederick's Flowers, and directed Mr. Muse to see Mr. Applegate to secure a permit.

c. Mr. Scott Dolley, Wheelabrator - Chairman Bennett introduced Mr. Dolley who has been visiting various Township's and Borough's in Bucks County concerning the future development by Wheelabrator in the lower end of the county.

Mr. Dolley stated his firm, Wheelabrator Falls, Inc., is constructing the Bucks County Waste-to-Energy project being developed in Falls Township. Mr. Dolley explained the project is a 2250 ton per day waste to energy facility. All local approvals for construction of the facility in Falls Township have been received. This project is a part of the Bucks County Solid Waste Plan, which Mr. Dolley believes was approved by the State DER as of today. A public hearing will be held on Thursday, April 4, 1991 at Falls Township, in order for Wheelabrator to be granted the various State permits, which include 12 or 13 separate permits. Mr. Dolley commented they hope to be in construction in the fall of 1991, and should be in complete operation by January 1, 1994. The project began development in 1986.

Some of the debate regarding the project has been it's inclusion in the Bucks County Solid Waste Plan and why, in fact, it is. Mr. Dolley stated his firm is the long term solution for Bucks County solid waste disposal needs. Mr. Dolley referred to Act 101, the new State, County and Local Recycling and Waste Disposal Ordinance that requires the county to draft a Solid Waste Plan. Hilltown Township has approved that solid waste plan, and has to provide for a 10 year disposal capacity for Bucks County municipal solid waste. Currently, Hilltown Township's waste goes out of Bucks County, and under the new Bucks County Solid Waste Plan, Hilltown Township would be allowed to continue under that scenario, if the Township chooses to. However, the facility proposed by Wheelabrator is designed and sized to handle all of Bucks County.

In 1989, Bucks County produced 1,600 tons of solid waste which was disposed of at landfills in Pennsylvania alone. In 1990, it is estimated that number was raised by another 100 tons per day, over and above what is being recycled. The new facility will process an average of between 1,800 and 1,900 tons of trash per day. By 1994, Bucks County's population will have grown to approximately six hundred thousand people, which is a size that requires a 2,250 ton per day plant.

Mr. Dolley presented and reviewed a copy of a resolution that has been circulating throughout Bucks County in an attempt

to keep the proposed facility out of the Bucks County Solid Waste Plan. Mr. Dolley explained they are building a three million dollar recycling facility to be co-located on the same site as the Waste-to-Energy facility in Falls Township which will service the lower end of Bucks County. Wheelabrator is the Lower Bucks County designated recycler, similar to the New Britain facility for the central and upper sections of Bucks County. In addition, Mr. Dolley stated, one of the conditions his firm accepted at the local land development plan stage, was to only accept trash from communities which have recycling programs in effect. The contracts that are being offered to the 54 municipalities within Bucks County allow for unlimited recycling adjustments.

Misinformation that is circulating regarding Mr. Dolley's facility is a concept that used to be known as "Put-or-Pay". Facilities of this kind operate by having municipalities either put a certain amount of trash into the facility, and if the municipality falls short of that amount, the municipality would then have to pay the difference. Mr. Dolley explained the proposed facility by Wheelabrator is not a "Put-or-Pay" facility. If the Township agrees to send ten tons of trash per day to their facility, but proof can be shown that two of those tons can be recycled, the municipality would be "forgiven" the two tons, and would only be required to deliver the remaining eight tons. Wheelabrator is working hand in hand with Bucks County's recycling program which is just getting off the ground. Mr. Dolley presented a graph showing pricing as compared to landfills in eastern Pennsylvania.

Supervisor Bennington stated presently Hilltown Township takes their recyclables to New Britain, and there are seven licensed trash haulers that take their trash to wherever they choose. Supervisor Bennington asked why Mr. Dolley is before Hilltown Township Board of Supervisors at this time. Mr. Dolley replied representatives from Bucks County will be coming to all the communities providing scenarios by which the municipalities can comply with the Bucks County Solid Waste Plan. Wheelabrator is a bit ahead of the County by beginning their proposals at this time. Hilltown Township will be required to become more involved with trash disposal under the new Act 101 and the Bucks County Solid Waste Plan. Mr. Dolley advised there will be a number of different scenarios under which Hilltown Township can comply with the Solid Waste Plan. One of these options would be to sign a disposal contract with a facility such as Wheelabrator for a certain time period. The haulers would then be licensed to operate in Hilltown Township, and would be required to take the trash from Hilltown Township to the licensed facility. Supervisor Bennington asked Solicitor Grabowski if the Township can force an individual hauler to take the trash collected within Hilltown Township to a site the municipality chooses. Solicitor Grabowski replied the new Bucks County program may require that under Act 101, and also, by way of licensing and public bidding, trash haulers

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can be required to haul trash to a site the municipality chooses. Supervisor Bennington felt this would take away from the individual hauler concept and would put Hilltown Township in the situation of having a one trash hauler community. Supervisor Bennington did not wish to get involved in a "one trash hauler community", and felt the resident's would not want the Township to dictate their individual trash haulers. Mr. Dolley advised the Township can break down the disposal portion and the collection portion of billing. At present, when a resident pays their trash hauler, a set fee is paid without the resident knowing what percentage of that fee goes for the actual collection of waste and what percentage pays for the "tipping" fee to dispose of the waste they pick up from resident's home. Under the new Act 101, the Township would be notifying licensed haulers that they must take their waste collected within Hilltown Township to a set dumping site and paying a set fee for all haulers. This will create a competition between the licensed haulers to determine who can give the best service and the best price to pick up the waste, with the individual homeowners.

Chairman Bennett asked how many other facilities of this nature Wheelabrator has built. Mr. Dolley replied eleven plants are operating in the United States, with another three plants in construction and due to come on line within the next six months, and also three more plants, including the Falls Township project, which are within a year of beginning construction.

Supervisor Bennington asked how much opposition Wheelabrator has experienced from the local populus when approached about constructing plants such as these within municipalities. Mr. Dolley explained there has been some opposition, however, Wheelabrator came to Falls Township at the request of the Falls Township Supervisors, since they had a landfill battle in 1986 over an expansion to the Grows landfill, which went to court.

Chairman Bennett asked if trash from New Jersey will be taken into the Falls Township facility. Mr. Dolley does not anticipate that trash will be taken from New Jersey, since Bucks County is first and foremost in Wheelabrator's mind.

Chairman Bennett asked if Waste Management was Wheelabrator's parent company. According to Mr. Dolley, in September of 1990, Waste Management purchased 55% of Wheelabrator stock.

Solicitor Grabowski asked Mr. Dolley if it would not make more sense for Wheelabrator to contract with the local haulers directly. Solicitor Grabowski explained what Supervisor Bennington was getting at was that there appears to be more regulation by local government on the small businessman, and now the onus will be put on the municipality to require these contracts.

Mr. Dolley said the reason Wheelabrator is coming to Hilltown Township is due to the unique way in which Bucks County is going about complying with Act 101. Right next door in Montgomery County, a Waste-to-Energy facility has been built in the eastern end of the county. Anyone that hauls trash in eastern Montgomery County is required to go to that facility and there is a set price for everyone. Bucks County could have done that by negotiating a contract with Wheelabrator and could have required all 54 communities to send their trash to that one facility. However, in deference to the differing nature between lower, central and upper parts of Bucks County, as well as the strong local government Bucks County has always had, they have decided to allow each community to choose for themselves which way they wish to comply. Solicitor Grabowski assumed there would be a host municipal fee both for Falls Township and to the County of Bucks. Mr. Dolley said there is a host fee to Falls Township in the approximate amount of 1.5 million dollars per year, however there is not a host fee to Bucks County at present. Waste Management has an agreement for any out-of-county trash for which they pay 36¢ per ton to Bucks County.

Chairman Bennett stated one of the big problems environmentalists seem to have is what they call "toxic ash" or the residue from burning trash. Mr. Dolley replied the "ash" is not toxic, and that it is nothing more than the ash that is left over at the end of the trash burning process. There will be approximately a tenth of the volume of the original trash after it has been processed at the facility. Wheelabrator is doing research and development in four states on re-using the left-over ash in building applications, such as road sub-base, reconstruction, and as limited applications of building blocks. Currently by State law, the ash goes to an approved ash monofill. Mr. Dolley explained in raw trash landfills, loosely packed trash and rain water works its way through the trash and creates a substance that gathers in the bottom of the landfill liners which needs to be pumped up and treated. With an ash monofill system, this process does not occur. The ash residue from a Waste-to-Energy facility is much like the consistency of toothpaste, however after being laid with a roller and sitting for a day, it becomes like concrete. Thus rain water would run off the surface and therefore you would not experience ground water contamination problems with ash, as you would experience with regular raw trash.

E. MANAGER'S REPORT

1. Chairman Bennett read the Treasurer's Report for March 22, 1991:

General Fund Checking
End of Month Balance - \$ 70,286.75

Payroll Checking Account
End of Month Balance - \$ 177.23

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Fire Fund Checking Account
End of Month Balance - \$ 38,497.70

Debt Service Investment/Checking Account
End of Month Balance - \$ 15,013.83

State Highway Aid/Checking Account
End of Month Balance - \$ 203.34

Escrow Fund/Checking Account
End of Month Balance - \$ 75,824.99

2. A request was received from the Police Department for Officer John Thomas to attend a Crime Scene Search and Evidence Recovery Course in Harrisburg, Pennsylvania. The fee for this course is \$220.00.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to send Officer Thomas to the Crime Scene Search and Evidence Recovery Course in Harrisburg.

3. Chairman Bennett announced the regularly scheduled Board of Supervisor's meeting of April 8, 1991 has been cancelled due to the State Supervisor's Convention being held in Hershey, Pennsylvania.

F. HILLTOWN TOWNSHIP FIRE CHIEF'S REPORT/EMERGENCY MANAGEMENT COORDINATOR REPORT - Mr. Robert Grunmeier, II

Mr. Grunmeier read the Hilltown Township Fire Department report, which is on file at the Township office.

Mr. Grunmeier advised Hilltown Township Fire Department has received and completed the run sheets issued by Hilltown Township Fire Panel and submitted them this evening, along with the Department's monthly report.

Mr. Grunmeier informed the Board that Hilltown Township Fire Department trained 28 fire fighters for a total of 457 hours. This training encompassed fire fighter safety, on and off the fire grounds, equipment preparedness, and equipment operation. In February, the Hilltown Township Fire Department had 19 fire fighters trained in practical session of the National Fire Protection Agency standard for ventilation on a burning structure. This training is to minimize homeowner damage and to promote fire fighter safety. Five fire fighters completed a hands-on or vehicle rescue training course which is to insure the Department can provide the best rescue training and rescue service possible. Two Hilltown Township Fire Department officers completed a Training Officer's Course through

Bucks County Emergency Services Training Center. Three Department officers will begin instruction for vehicle rescue courses at the Artsville Fire Department to continue the spirit of Hilltown Township in helping others. Mr. Grunmeier explained this training is on a voluntary basis to insure that Hilltown Township citizens and neighboring communities receive the level of protection they have come to expect and deserve from the Hilltown Township Fire Department and Hilltown Township.

Mr. Grunmeier, Hilltown Township Emergency Management Coordinator, advised that on Tuesday, March 26, 1991, the Limerick Evacuation Exercise will be held. This exercise is a preparedness exercise, which will be monitored by FEMA, the Federal Emergency Management Agency. Field representatives will be on hand to inspect and review. County Line Plaza will be used as Hilltown Township's reception area for Limerick and monitoring will be done at Palisades High School by the Ottsville Fire Department.

Also, Mr. Grunmeier stated Hilltown Township Fire Company has received the radiological monitoring equipment from the Pennsylvania Emergency Management Agency, which will be accessible for both the Fire Department and the Police Department.

Mr. Grunmeier requested postponing the Emergency Management training exercise proposed by Supervisor Bennington for approximately a month, due to the fact that FEMA is sponsoring an exercise design course which would instruct the Emergency Management Coordinators to establish a tabletop drill for objectives and accomplishments. The Board agreed to postpone the training exercise.

Dublin Borough has requested use of Hilltown Township's municipal building as a second emergency operations center in the event they cannot utilize their own, and vice-versa, if the Board of Supervisors would like to use Dublin Borough's emergency operation center as a second emergency operations center. Supervisor Bennington asked if there would be a problem with liability, and advised review of insurance policies should take place before a response is given. Chairman Bennett asked where Dublin's emergency operations center is. Mr. Grunmeier replied it is located in the Dublin Fire House.

Mr. Grunmeier stated H & K Materials has filed their tier three request, which is for all the materials they have on-site.

Mr. Tuttle and Mr. Grunmeier will be meeting with the Silverdale Emergency Management Coordinator, Mr. Charles Stockard, on April 3, 1991 at 7:30PM at Hilltown Township Fire Department.

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Mr. Grunmeier had previously asked Supervisor Bennington to check with Merck, Sharp and Dohme as to whether or not they would be willing to donate pieces of equipment for Emergency Management. Supervisor Bennington requested Mr. Grunmeier jot down some items they may be interested in receiving before the end of the meeting this evening, and Supervisor Bennington will then speak with the Manager of Safety of Merck, Sharp and Dohme, Mr. Frank Yonis, next week to see if contributions can be arranged.

G. ENGINEERING/PLANNING - Mr. C. Robert Wynn, Township Engineer -

1. Stoneycrest Subdivision (Street Lights) - Mr. Wynn advised Stoneycrest Subdivision is a final plan which borders Perkasio Borough. The plan has not complied with all of the conditions for recordation at this time, however, an agreement has been received from PP&L for the installation of two street lights in Hilltown Township. This agreement is for a 10 year period that has been executed in other subdivisions and is to install two 5800 street lights, low mounted underground supply, with traditional fixtures. These specifications are the same as were recently installed in the Hawk Ridge Subdivision. There will be an annual increase in cost of \$354.82. The street lights will be installed at the time the development is constructed.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the street light agreement for Stoneycrest Subdivision.

2. Orchard Station - Mr. Wynn stated the Orchard Station Land Development Agreement required that all improvements be constructed by March 13, 1991. The improvements have not been constructed, however, and a majority of the homes have not yet been constructed. The applicant is requesting a one year extension of the development agreement. Mr. Wynn has received correspondence from Union National Bank indicating they have agreed to extend the line of credit for an additional twelve months, which would be until March of 1992.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to extend the Orchard Station agreement for one year.

3. Coleman Land Development - Mr. Wynn explained the Coleman Land Development improvements were to have been completed by March 19, 1991. Mr. Wynn is in receipt of a letter from Mr. John Coleman requesting an extension until May 31, 1991. Mr. Coleman is currently installing improvements. There is an approval for a 5,000 square ft. office building on the site.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to grant a two month extension, until May 19, 1991, to the Coleman Land Development.

*PROPOSED BOCA CODE ORDINANCE HEARING - 8:30PM

Mr. Grabowski, Township Solicitor, presented an ordinance for consideration by the Board of Supervisors which would adopt the newest revisions and additions to the National Building Code. Mr. Grabowski explained the Township is considering the adoption of the BOCA National Building Code for 1990, which is the eleventh edition. There are certain modifications and amendments to the National Building Code, which are basically the same modifications that existed in the previous edition of the Building Code. The Township is looking at the adoption of the 1989 edition of the CABO One and Two Family Dwelling Code, the 1990 edition of the Mechanical Code, the 1990 edition of the Plumbing Code, the 1990 edition of the Electrical Code, the 1990 edition of the National Fire Prevention Code, and also the 1990 edition of the National Property Maintenance Code. If there are any questions, Mr. Grabowski deferred to the Building Inspector/Zoning Officer, Mr. Eric Applegate, and to the Township Engineer, Mr. Bob Wynn, who worked together on revising the ordinances and recommending the various modifications to the basic building code.

Mr. Bob Grunmeier questioned the section titled "Transfer of Ownership" on page 13, Section 5. Solicitor Grabowski read this particular section and explained it's intent to Mr. Grunmeier. Mr. Wynn advised the ordinance does not provide for a maintenance inspection on a transfer of property.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to adopt Ordinance #91-2 - BOCA Code Ordinance.

H. ENGINEERING/PLANNING - Continued

4. Escrow Releases - Mr. Wynn presented two Escrow Releases for approval this evening. The first release is for the Bridle Run Subdivision, Voucher #9, in the amount of \$97,014.78. This release is primarily for the installation of stormsewer, some curbing, roadway widening, erosion control, and work on the stone backfill of the sanitary sewer line on Reliance Road. The second release is for the Coleman Land Development, Voucher #3, in the amount of \$23,913.00 for part of the detention basin grading, stormsewer installation, some erosion control, some traffic protection, and utility pole relocation.

Supervisor Bennington questioned the release of monies for the Coleman Land Development when they are just in the process of making the improvements now. Mr. Wynn replied this is a partial release for work Mr. Coleman has installed. Chairman Bennett asked what the original escrow amount was. Mr. Wynn stated the original escrow was \$64,460.00, with the balance remaining following this proposed release being \$39,725.50. Mr. Coleman has completed utility pole relocation and worked on the stormsewer.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to release the above listed escrow funds for Bridle Run Subdivision and Coleman Land Development.

5. Mr. Wynn advised liens for Grafton-Dimmig Subdivision and BFI Land Development would be available for Board of Supervisor's signatures following this meeting.

H. SOLICITOR'S REPORT - Mr. Frank Grabowski, Township Solicitor -

1. Mr. Grabowski commented on the BFI liens for signature Mr. Wynn spoke about previously. BFI has obtained an appropriate easement on the south side of Reliance Road from Viking Associates and are in the process of discussing an acquisition of an easement on the north side of Reliance Road from the restaurant on the corner.

I. CORRESPONDENCE

1. Chairman Bennett announced Local Government Week is April 14th through April 20, 1991. Chief Egly and Chairman Bennett will be visiting the three elementary schools located in the Township to give a presentation on local government.

J. RESIDENT'S COMMENTS

1. Mr. Robert Grunmeier, 1811 Bethlehem Pike, questioned the annual sign renewal fee recently mailed to those businesses who have a sign posted within the Township. The residents would like to know if billboard advertisements located in the Township also pay the sign renewal fee. Mr. Applegate, Building Inspector/Zoning Officer, replied that billboard advertisements are also charged sign renewal fees.

K. SUPERVISOR'S COMMENTS -

1. Supervisor Kelly thanked the Hilltown Township Fire Company for inviting the Board of Supervisors to their dinner on Saturday, March 23, 1991 and stated it was an excellent meal enjoyed by all.

2. Supervisor Bennington thanked Chairman Bennett for all the work he has been doing by filling in as Township Manager in the administration office, however he felt it was time to move on. Motion was made by Supervisor Bennington to place an advertisement in the "Township Supervisors Magazine" to advertise for a Township Manager, and also proposed to have the applications screened by a five member panel consisting of himself, Mr. Robert Wynn, Mr. Frank Grabowski, Detective William Leyden, and Ms. Joan Ferry, who would narrow the margin down to three or four applicants to then be reviewed by the Board of Supervisors.

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Supervisor Kelly disagreed with Supervisor Bennington's motion, stating she felt the entire Board of Supervisors should be on the initial review panel. There was no second to the motion. Chairman Bennett stated he would like to table this issue for further discussion.

L. PRESS CONFERENCE - A press conference was held to answer questions of those reporters present.

M. ADJOURNMENT - There being no further business, a motion for adjournment of the Board of Supervisor's meeting of March 25, 1991 was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously at 9:00PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes

Assistant Township Secretary

(*These minutes were transcribed from recordings and notes taken by Mrs. Maria Gerhart, Recording Secretary).